

House File 2542 - Enrolled

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HOUSE FILE 2542

AN ACT

CONCERNING WORK-RELATED INJURIES SUFFERED AND CLAIMS MADE
OUTSIDE OF THIS STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 85.71, Code 2007, is amended to read as follows:

85.71 INJURY OUTSIDE OF STATE.

1. If an employee, while working outside the territorial limits of this state, suffers an injury on account of which the employee, or in the event of death, the employee's dependents, would have been entitled to the benefits provided by this chapter had such injury occurred within this state, such employee, or in the event of death resulting from such injury, the employee's dependents, shall be entitled to the benefits provided by this chapter, if at the time of such injury any of the following is applicable:

~~1. a. The employment is principally localized in this state, that is, the employee's employer has a place of business in this or some other state and the employee regularly works in this state, or if the employee's employer has a at or from that place of business in this state and the employee is domiciled in this state.~~

~~2. The employee is working under a contract of hire made in this state in employment not principally localized in any state and the employee spends a substantial part of the employee's working time working for the employer in this state.~~

~~3. b. The employee is working under a contract of hire made in this state in employment principally localized in another state, whose workers' compensation law is not applicable to the employee's employer and the employee regularly works in this state.~~

2. c. The employee is working under a contract of hire made in this state and sustains an injury for which no remedy is available under the workers' compensation laws of another state.

~~4. d. The employee is working under a contract of hire made in this state for employment outside the United States.~~

~~5. e. The employer has a place of business in Iowa, and the employee is working under a contract of hire which provides that the employee's workers' compensation claims be governed by Iowa law.~~

2. This section shall be construed to confer personal jurisdiction over an employee or employer to whom the section is applicable.

Sec. 2. Section 85.72, Code 2007, is amended to read as follows:

85.72 CLAIMS FOR BENEFITS MADE OUTSIDE OF STATE ==
RESTRICTIONS == CREDIT.

1. An employee, or an employee's dependents, shall not be entitled to benefits under this chapter if the employee or the employee's dependents have initiated a judicial proceeding or a contested case or other similar proceeding for the same injury, disability, or death pursuant to the laws of another state or country concerning workers' compensation, and the employee or the employee's dependents receive benefits following final resolution of the proceeding pursuant to a settlement, judgment, or award.

2. If an employee, or an employee's dependents, initiate a judicial proceeding or a contested case or other similar proceeding for benefits pursuant to the laws of another state or country concerning workers' compensation, any proceeding initiated by an employee, or an employee's dependents, for workers' compensation benefits under this chapter for the same injury, disability, or death shall be stayed, without prejudice, pending resolution of the out-of-state claim for benefits.

3. If benefits are paid under this chapter and were payable, at any time, for the same injury, disability, or

3 4 death pursuant to the laws of another state or country
3 5 concerning workers' compensation, the employer shall have a
3 6 credit toward the benefits payable under this chapter for any
3 7 benefits paid in another state or country. Benefits paid in
3 8 another state or country constitute weekly compensation
3 9 benefits for the purposes of sections 85.26 and 86.13.

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PATRICK J. MURPHY
Speaker of the House

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JOHN P. KIBBIE
President of the Senate

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3 21 I hereby certify that this bill originated in the House and
3 22 is known as House File 2542, Eighty-second General Assembly.

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MARK BRANDSGARD
Chief Clerk of the House

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3 28 Approved _____, 2008

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3 32 CHESTER J. CULVER
3 33 Governor